

## **9 FAM 41.104 PASSPORT REQUIREMENTS.**

### **(a) Passports defined.**

*(TL:VISA-2; 8-30-87)*

"Passport" as defined in INA 101(a)(30) is not limited to a national passport or to a single document. A passport may consist of two or more documents which, when considered together, fulfill the requirements of a passport, provided that the documentary evidence of permission to enter a foreign country has been issued by a competent authority and clearly meets the requirements of INA 101(a)(30).

### **(b) Passport requirement.**

*(TL:VISA-47; 8-30-91)*

Except for certain persons in the A, C-3, G, and NATO classifications and persons for whom the passport requirement has been waived pursuant to the provisions of INA 212(d)(4), every applicant for a nonimmigrant visa is required to present a passport, as defined above and in INA 101(a)(30), which is valid for the period required by INA 212(a)(7)(B)(i)(I).

### **(c) A single passport including more than one person.**

*(TL:VISA-2; 8-30-87)*

The passport requirement for a nonimmigrant visa may be met by the presentation of a passport including more than one person, if such inclusion is authorized under the laws or regulations of the issuing authority and if a photograph of each visa applicant 16 years of age or over has been attached to the passport by the issuing authority.

### **(d) Applicants for diplomatic visas.**

*(TL:VISA-47; 8-30-91)*

Every applicant for a diplomatic visa must present a diplomatic passport, or the equivalent thereof, having the period of validity required by INA 212(a)(7)(B)(i)(I), unless such requirement has been waived pursuant to the authority contained in INA 212(d)(4) or unless the case falls within the provisions of 9 FAM 41.21 (b).

### **(e) [Deleted by 61 FR 53058, Oct. 10, 1996]**

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## **9 FAM 41.104 Related Statutory Provisions**

### **INA 101(a)(30)**

*(TL:VISA-2; 8-30-87)*

(30) The term "passport" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the entry of the bearer into a foreign country.

### **INA 212(a)(7)(B)(i)**

*(TL:VISA-47; 8-30-91)*

(B) NONIMMIGRANTS—

(i) IN GENERAL.—Any nonimmigrant who—

(I) is not in possession of a passport valid for a minimum of six months from the date of the expiration of the initial period of the alien's admission or contemplated initial period of stay authorizing the alien to return to the country from which the alien came or to proceed to and enter some other country during such period, or

(II) is not in possession of a valid nonimmigrant visa or border crossing identification card at the time of application for admission, is excludable.

[Amended by Pub. L. 101-649, Sec. 601(a), 104 Stat. 5074; 8 U.S.C. 1182; November 29, 1990.]

### **INA 212(d)(4)**

*(TL:VISA-47; 8-30-91)*

(4) Either or both of the requirements of paragraph (7)(B)(i) of subsection (a) may be waived by the Attorney General and the Secretary of State acting jointly (A) on the basis of unforeseen emergency in individual cases, or (B) on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and residents thereof having a common nationality with such nationals, or (C) in the case of aliens proceeding in immediate and continuous transit through the United States under contracts authorized in section 238(c).

[Amended by Pub. L. 99-653, Sec. 7(b), 100 Stat. 3657; 8 U.S.C. 1228; November 14, 1986. Amended by Pub. L. 101-649, Sec. 601(d), 104 Stat. 5076; 8 U.S.C. 1182; November 29, 1990.]

